

State of Arizona  
House of Representatives  
Fifty-second Legislature  
First Regular Session  
2015

# HOUSE BILL 2561

AN ACT

AMENDING SECTION 13-1425, ARIZONA REVISED STATUTES; RELATING TO SEXUAL OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 13-1425, Arizona Revised Statutes, is amended to  
3 read:

4       13-1425. Unlawful distribution of images; state of nudity;  
5                   classification; definitions

6       A. It is unlawful FOR A PERSON to intentionally disclose, ~~display,~~ ~~distribute,~~ ~~publish,~~ ~~advertise or offer a photograph, videotape, film or~~  
7 ~~digital recording~~ OR THREATEN TO DISCLOSE AN IMAGE of another person WHO IS  
8 IDENTIFIABLE FROM THE IMAGE ITSELF OR FROM INFORMATION DISPLAYED IN  
9 CONNECTION WITH THE IMAGE AND WHO IS DEPICTED in a state of nudity or engaged  
10 in specific sexual activities if the person knows or should have known that  
11 the ~~depicted person has not consented to the~~ disclosure OF THE IMAGE WILL  
12 CAUSE HARM TO THE DEPICTED PERSON OR IF THE IMAGE IS DISCLOSED WITH THE  
13 INTENT TO HARASS, INTIMIDATE, THREATEN OR COERCE THE DEPICTED PERSON.

14       B. This section does not apply to any of the following:

15           1. THE REPORTING OF UNLAWFUL CONDUCT.

16           2. Lawful and common practices of law enforcement, CRIMINAL  
17 reporting, ~~unlawful activity, or when permitted or required by law or rule in~~  
18 legal proceedings OR MEDICAL TREATMENT.

19           2. ~~Lawful and common practices of medical treatment.~~

20           3. Images involving voluntary exposure in a public or commercial  
21 setting.

22           4. An interactive computer service, as defined in 47 United States  
23 Code section 230(f)(2), or an information service, as defined in 47 United  
24 States Code section 153, with regard to content WHOLLY provided by another  
25 ~~person~~ PARTY.

26           5. ANY DISCLOSURE THAT IS MADE WITH THE CONSENT OF THE PERSON WHO IS  
27 DEPICTED IN THE IMAGE.

28           C. A violation of this section is a class ~~5 felony, except that a~~  
29 ~~violation of this section is a class~~ 4 felony if the depicted person is  
30 ~~recognizable.~~

31           D. For the purposes of this section: ~~, "state of nudity"~~ and

32           1. "DISCLOSE" MEANS DISPLAY, DISTRIBUTE, PUBLISH, ADVERTISE OR OFFER.

33           2. "HARM" MEANS PHYSICAL INJURY, FINANCIAL INJURY OR SERIOUS EMOTIONAL  
34 DISTRESS.

35           3. "IMAGE" MEANS A PHOTOGRAPH, VIDEO TAPE, FILM OR DIGITAL RECORDING.

36           4. "Specific sexual activities" ~~have~~ HAS the same ~~meanings~~ MEANING  
37 prescribed in section 11-811, SUBSECTION D, PARAGRAPH 18, SUBDIVISIONS (a)  
38 AND (b).

39           5. "STATE OF NUDITY" HAS THE SAME MEANING PRESCRIBED IN SECTION  
40 11-811, SUBSECTION D, PARAGRAPH 14, SUBDIVISION (a).